

SANDERS LAW GROUP

Craig Sanders, Esq. (Cal Bar 284397)

csanders@sanderslaw.group

Jacqueline Mandel, Esq. (Cal Bar 317119)

jmandel@sanderslaw.group

333 Earle Ovington Blvd, Suite 402

Uniondale, NY 11553

Tel: (516) 203-7600

File No.: 130726

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Chosen Figure LLC,

Plaintiff,

v.

No Jumper, Inc.,

Defendant.

Case No:

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Chosen Figure LLC (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against defendant No Jumper, Inc. (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Josiah Kamau (“*Kamau*”) created a photograph of Barbadian singer, businesswoman, and actress Robyn Rihanna Fenty and American rapper Rakim

Athelaston Mayers, professionally known as ASAP Rocky, (the “*Photograph*”) in which Plaintiff owns the rights and licenses for various uses including online and print publications.

3. Defendant owns and operates a Facebook account with the name “@nojumper” (“*Account 1*”).

4. Defendant owns and operates a Twitter account with the name “@nojumper” (“*Account 2*”).

5. Defendant, without permission or authorization from Plaintiff, actively copied and displayed the Photograph on the Accounts (hereinafter the social media platforms set forth above are referred to collectively as the “*Accounts*”) and engaged in this misconduct knowingly and in violation of the United States copyright laws.

PARTIES

6. Chosen Figure LLC is a Georgia limited liability company and maintains its principal place of business in Gwinnett County, Georgia.

7. Upon information and belief, defendant No Jumper, Inc., is a California corporation with a principal place of business at 16133 Ventura Boulevard, Suite 700, Encino in Los Angeles County, California.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

9. This Court has personal jurisdiction over Defendant because it maintains its principal place of business in California.

10. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does business in this Judicial District and/or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

FACTS COMMON TO ALL CLAIMS

A. Plaintiff's Copyright Ownership

11. Plaintiff is a professional photography company which is the legal and rightful owner of certain photographs which Plaintiff commercially licenses.

12. Plaintiff has invested significant time and money in building Plaintiff's photograph portfolio.

13. Plaintiff has obtained active and valid copyright registrations from the United States Copyright Office (the "USCO") which cover many of Plaintiff's photographs while many others are the subject of pending copyright applications.

14. Plaintiff's photographs are original, creative works in which Plaintiff owns protectable copyright interests.

15. On December 2, 2020, Kamau first published the Photograph. A copy of the Photograph is attached hereto as Exhibit 1.

16. In creating the Photograph, Kamau personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

17. On January 15, 2021, the Photograph was registered by the USCO under Registration No. VA 2-233-243.

18. Kamau created the Photograph with the intention of it being used commercially and for the purpose of display and/or public distribution.

19. Plaintiff acquired the rights in and to the Photograph by way of written assignment.

B. Defendant's Infringing Activity

20. Defendant is the registered owner of the Accounts and is responsible for their content.

21. Defendant is the operator of the Accounts and is responsible for their

1 content.

2 22. The Accounts are key components of Defendant's popular and lucrative
3 commercial enterprise.

4 23. Upon information and belief, Defendant has not implemented adequate
5 internal policies to verify copyright ownership before content use, indicating a gross
6 negligence in legal compliance, which is essential for a company with Defendant's
7 reach, capabilities, and level of sophistication.

8 24. Upon information and belief, Defendant's internal policies, if any, are
9 either not designed to verify copyright ownership before content use or are
10 systematically ignored, indicating a willful, recurring disregard for copyright
11 compliance.

12 25. Defendant's failure to adopt or effectively enforce internal copyright
13 policies, if any, indicates *de facto* willful infringement.

14 26. On or about December 3, 2020, Defendant displayed the Photograph on
15 the Accounts as part of social media posts at URLs:
16 <https://x.com/nojumper/status/1334643168520724481?lang=en>. Copies of
17 screengrab of the Accounts including the Photograph are attached hereto collectively
18 as Exhibit 2.

19 27. Without permission or authorization from Plaintiff, Defendant
20 volitionally copied and displayed Plaintiff's copyright protected Photograph on the
21 Accounts.

22 28. Plaintiff discovered the Infringements on August 22, 2024.

23 29. Upon information and belief, the Photograph was copied and displayed
24 by Defendant without license or permission, thereby infringing on Plaintiff's
25 copyrights in and to the Photograph (hereinafter the unauthorized uses set forth
26 above are referred to collectively as the "*Infringements*").

27 30. The Infringements include a URL ("*Uniform Resource Locator*") for a
28

1 fixed tangible medium of expression that was sufficiently permanent or stable to
2 permit it to be communicated for a period of more than a transitory duration and
3 therefore constitutes a specific infringement.

4 31. The Infringements are copies of Plaintiff's original image that were
5 directly copied and displayed by Defendant on the Accounts with the addition of
6 Defendant's logo reading "NO JUMPER" on a basketball icon.

7 32. Upon information and belief, Defendant takes an active and pervasive
8 role in the content posted on its Accounts, including, but not limited to copying,
9 posting, selecting, commenting on, and/or displaying images including but not
10 limited to Plaintiff's Photograph.

11 33. Upon information and belief, the Photograph was willfully and
12 volitionally posted to the Accounts by Defendant.

13 34. Upon information and belief, Defendant was aware of facts or
14 circumstances from which the determination regarding the Infringements was
15 apparent. Defendant cannot claim that it was not aware of the infringing activities,
16 including the specific Infringements which form the basis of this complaint, since
17 such a claim would amount to only willful blindness to the Infringements on the part
18 of Defendant.

19 35. Upon information and belief, Defendant engaged in the Infringements
20 knowingly and in violation of applicable United States copyright laws.

21 36. Upon information and belief, Defendant has the legal right and ability
22 to control and limit the infringing activities on its Accounts and exercised and/or had
23 the right and ability to exercise such right.

24 37. Upon information and belief, Defendant monitors the content on its
25 Accounts.

26 38. Upon information and belief, Defendant has received a financial benefit
27 directly attributable to the Infringements.
28

39. Upon information and belief, the Infringements increased traffic to the Accounts and, in turn, caused Defendant to realize an increase in its business revenues.

40. Upon information and belief, a large number of people have viewed the unlawful copies of the Photograph on the Accounts.

41. Upon information and belief, Defendant at all times had the ability to stop the reproduction and display of Plaintiff's copyrighted material.

42. Defendant's use of the Photograph harmed the actual market for the Photograph.

43. Defendant's use of the Photograph, if widespread, would harm Plaintiff's potential market for the Photograph.

44. On September 4, 2024, Plaintiff, via counsel, served a letter seeking to address the complaints contained herein concerning Defendant's infringement of Plaintiff's rights-protected work.

45. Despite Plaintiff's efforts and willingness to address Defendant's infringing activity, Defendant failed to respond, and Plaintiff was forced to seek judicial intervention for Defendant's infringing activity.

46. Further, despite Plaintiff's notification to Defendant concerning its infringing activity, Defendant continues to infringe on Plaintiff's work thereby establishing the willful nature of its conduct.

47. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.

FIRST COUNT

(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)

48. Plaintiff repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

49. The Photograph is an original, creative work in which Plaintiff owns a

1 valid copyright.

2 50. The Photograph is properly registered with the USCO and Plaintiff has
3 complied with all statutory formalities under the Copyright Act and under
4 regulations published by the USCO.

5 51. Plaintiff has not granted Defendant a license or the right to use the
6 Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in
7 the copyright to Defendant.

8 52. Without permission or authorization from Plaintiff and in willful
9 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
10 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
11 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
12 copyrights.

13 53. Defendant's reproduction of the Photograph and display of the
14 Photograph constitutes willful copyright infringement.

15 54. Upon information and belief, Defendant willfully infringed upon
16 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that
17 Defendant used, published, communicated, posted, publicized, and otherwise held
18 out to the public for commercial benefit, Plaintiff's original and unique Photograph
19 without Plaintiff's consent or authority, by using it on the Accounts.

20 55. As a result of Defendant's violations of Title 17 of the U.S. Code,
21 Plaintiff is entitled to an award of actual damages and disgorgement of all of
22 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
23 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
24 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
25 504(c).

26 56. As a result of the Defendant's violations of Title 17 of the U.S. Code,
27 the court in its discretion may allow the recovery of full costs as well as reasonable
28

1 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

2 57. As a result of Defendant's violations of Title 17 of the U.S. Code,
3 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
4 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

5 **JURY DEMAND**

6 58. Plaintiff hereby demands a trial of this action by jury.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

9 That the Court enters a judgment finding that Defendant has infringed on
10 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and
11 therefore award damages and monetary relief as follows:

- 12 a. finding that Defendant infringed Plaintiff's copyright interest in
13 and to the Photograph by copying and displaying it without a
14 license or consent;
- 15 b. for an award of actual damages and disgorgement of all of
16 Defendant's profits attributable to the infringements as provided
17 by 17 U.S.C. § 504(b) in an amount to be proven or, in the
18 alternative, at Plaintiff's election, an award for statutory damages
19 against Defendant for each infringement pursuant to 17 U.S.C. §
20 504(c), whichever is larger;
- 21 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
22 from any infringing use of any of Plaintiff's works;
- 23 d. for costs of litigation and reasonable attorney's fees against
24 Defendant pursuant to 17 U.S.C. § 505;
- 25 e. for pre-judgment interest as permitted by law; and
- 26 f. for any other relief the Court deems just and proper.
- 27
- 28

1 DATED: October 17, 2024

2 **SANDERS LAW GROUP**

3
4 By: /s/ Craig Sanders

5 Craig Sanders, Esq.

6 333 Earle Ovington Blvd, Suite 402

7 Uniondale, NY 11553

8 Tel: (516) 203-7600

9 Email: csanders@sanderslaw.group

10 File No.: 130726

11 *Attorneys for Plaintiff*

